

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
MAUREEN NEVIN)	FOIA Control No. 2008-241
)	
On Request for Inspection of Records)	
)	

MEMORANDUM OPINION AND ORDER

Adopted: September 30, 2009

Released: October 1, 2009

By the Commission:

1. This memorandum opinion and order denies an application for review filed by Maureen Nevin (Nevin).¹ Nevin appeals a decision by the Enforcement Bureau (EB)² granting in part and denying in part her Freedom of Information Act (FOIA) request³ for information regarding the Commission's investigation of station WYGG, Asbury Park, New Jersey.

2. Nevin's application for review states that she "respectfully request[s] a review of your office's decision to withhold 16 documents from my FOIA request."⁴ There is no explanation of why Nevin believes that EB erred in withholding the documents. Nevin also states that she "[has] some questions regarding the documents themselves," but, similarly, does not elaborate on what questions she has.

¹ Letter from Maureen Nevin to G. Michael Moffitt, Acting Regional Director (Mar. 26, 2008) (AFR).

² Letter from G. Michael Moffitt to Ms. S. Maureen Nevin (Mar. 14, 2008) (Response).

³ See Letter from Frank Pallone, Jr., Member of Congress to Mr. Kevin Washington, Director, Office of Legislative Affairs (Jan. 28, 2008) (EB treated Congressman Pallone's letter as containing a FOIA request from Nevin).

⁴ AFR at 1. EB withheld 15 documents pursuant to the deliberative process privilege encompassed by FOIA Exemption 5 (5 U.S.C. § 552(b)(5)) and one document as a privileged or confidential financial document under FOIA Exemption 4 (5 U.S.C. § 552(b)(4)). See Response at 1.

3. The Commission rule regarding applications for review provides that “[t]he application for review shall concisely and plainly state the questions presented for review. . . .”⁵ As noted, Nevin’s AFR fails to state any grounds for review and therefore will be denied.⁶

4. Accordingly, it is ordered that the application for review, filed by Maureen Nevin IS DENIED. Nevin may seek judicial review of this action, pursuant to 5 U.S.C. § 552(a)(4)(B).

5. The officials responsible for this action are the following: Chairman Genachowski and Commissioners Copps, McDowell, Clyburn and Baker.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁵ 47 C.F.R. § 1.115(b)(1). *See also Imposition of a Forfeiture Against Capitol Radiotelephone, Inc.*, 11 FCC Rcd 8232, 8236-37 (1996) (Commission will consider only those arguments specifically raised by the application for review).

⁶ As a related matter, EB charged Nevin fees for processing her FOIA request as an “all other requester.” Letter from G. Michael Moffitt to Ms. S. Maureen Nevin (Apr. 7, 2008), *citing* 47 C.F.R. § 0.470(a)(3). Nevin responded that “I was quite surprised to read that I am not a representative of the media [and thus entitled to reduced fees].” Letter from Maureen Nevin to G. Michael Moffitt (Apr. 10, 2008). *See* 47 C.F.R. § 0.470(a)(1). She also states that she is “surprised” at the amount of the fees. *Id.* She concluded, however, “Well, if that’s the cost of open records, then I guess we’ll just have pay it.” *Id.* In view of this statement, we do not deem Nevin to have appealed the fee determination.